

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 841**  
**94TH GENERAL ASSEMBLY**

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Reported from the Committee on Transportation, April 10, 2008 with recommendation that House Committee Substitute for Senate Bill No. 841 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 304.180 and 304.190, RSMo, and to enact in lieu thereof three new sections relating to vehicle weight regulations.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 304.180 and 304.190, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 135.670, 304.180, and 304.190, to read as follows:

**135.670. 1. As used in this section, the following terms mean:**

(1) "Class 8 truck", a heavy duty vehicle, as defined in 42 U.S.C. Section 16104, as amended, that has a gross vehicle weight in excess of thirty three thousand pounds;

(2) "Department", the department of revenue;

(3) "Idle reduction technology", shall have the same meaning ascribed in 42 U.S.C. Section 16104, as amended;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an express  
16 company which pays an annual tax on its gross receipts in this state pursuant to chapter  
17 153, RSMo, or an individual subject to the state income tax imposed by the provisions of  
18 chapter 143, RSMo.

19       2. For all tax years beginning on or after January 1, 2009, a taxpayer shall be  
20 allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal  
21 to fifty percent of the amount such taxpayer paid to purchase and install idle reduction  
22 technology on a class 8 truck after January 1, 2009. In no case shall the tax credit exceed  
23 thirty five hundred dollars per truck.

24       3. The amount of the tax credit claimed shall not exceed the amount of the  
25 taxpayer's state tax liability for the taxable year for which the credit is claimed. However,  
26 any tax credit that cannot be claimed in the taxable year the purchase and installation was  
27 made may be carried over to the next three succeeding taxable years until the full credit  
28 has been claimed. The tax credit allowed under this section shall be nontransferable.

29       4. The cumulative amount of tax credits which may be issued under this section in  
30 any one fiscal year shall not exceed ten million dollars, and the total amount of tax credits  
31 which may be issued under this section shall not exceed twenty million dollars. If the  
32 amount of tax credits claimed under this section exceeds ten million dollars in any one  
33 fiscal year, the director of the department of revenue shall establish a procedure by which,  
34 from the beginning of the fiscal year until some point in time later in the fiscal year to be  
35 determined by the director, the cumulative amount of tax credits are equally apportioned  
36 among all taxpayers allowed a tax credit under this section. The director may establish  
37 more than one period of time and reapportion more than once during each fiscal year. To  
38 the maximum extent possible, the director shall establish the procedure described in this  
39 subsection in such a manner as to ensure that taxpayers can claim all the tax credits  
40 possible up to the cumulative amount of tax credits available for the fiscal year.

41       5. Not less than one hundred and twenty days from the effective date of this act, the  
42 department shall promulgate rules necessary for the implementation of the provisions of  
43 this act. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
44 that is created under the authority delegated in this section shall become effective only if  
45 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
46 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
47 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
48 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
49 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
50 adopted after August 28, 2008, shall be invalid and void.

51 **6. The provisions of this section shall automatically sunset two years after August**  
 52 **28, 2008, unless reauthorized.**

304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any  
 2 highway in this state having a greater weight than twenty thousand pounds on one axle, no  
 3 combination of vehicles operated by transporters of general freight over regular routes as defined  
 4 in section 390.020, RSMo, shall be moved or operated on any highway of this state having a  
 5 greater weight than the vehicle manufacturer's rating on a steering axle with the maximum  
 6 weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved  
 7 or operated on any state highway of this state having a greater weight than thirty-four thousand  
 8 pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles,  
 9 arranged one behind another, the distance between the extremes of which is more than forty  
 10 inches and not more than ninety-six inches apart.

11 2. An "axle load" is defined as the total load transmitted to the road by all wheels whose  
 12 centers are included between two parallel transverse vertical planes forty inches apart, extending  
 13 across the full width of the vehicle.

14 3. Subject to the limit upon the weight imposed upon a highway of this state through any  
 15 one axle or on any tandem axle, the total gross weight with load imposed by any group of two  
 16 or more consecutive axles of any vehicle or combination of vehicles shall not exceed the  
 17 maximum load in pounds as set forth in the following table:

Distance in feet			Maximum load in pounds			
	between the extremes					
	of any group of two or					
	more consecutive axles,					
	measured to the nearest					
	foot, except where					
	indicated otherwise					
feet		2 axles	3 axles	4 axles	5 axles	6 axles
4		34,000				
5		34,000				
6		34,000				
7		34,000				
8		34,000	34,000			
More than 8		38,000	42,000			
9		39,000	42,500			

33	10	40,000	43,500			
34	11	40,000	44,000			
35	12	40,000	45,000	50,000		
36	13	40,000	45,500	50,500		
37	14	40,000	46,500	51,500		
38	15	40,000	47,000	52,000		
39	16	40,000	48,000	52,500	58,000	
40	17	40,000	48,500	53,500	58,500	
41	18	40,000	49,500	54,000	59,000	
42	19	40,000	50,000	54,500	60,000	
43	20	40,000	51,000	55,500	60,500	66,000
44	21	40,000	51,500	56,000	61,000	66,500
45	22	40,000	52,500	56,500	61,500	67,000
46	23	40,000	53,000	57,500	62,500	68,000
47	24	40,000	54,000	58,000	63,000	68,500
48	25	40,000	54,500	58,500	63,500	69,000
49	26	40,000	55,500	59,500	64,000	69,500
50	27	40,000	56,000	60,000	65,000	70,000
51	28	40,000	57,000	60,500	65,500	71,000
52	29	40,000	57,500	61,500	66,000	71,500
53	30	40,000	58,500	62,000	66,500	72,000
54	31	40,000	59,000	62,500	67,500	72,500
55	32	40,000	60,000	63,500	68,000	73,000
56	33	40,000	60,000	64,000	68,500	74,000
57	34	40,000	60,000	64,500	69,000	74,500
58	35	40,000	60,000	65,500	70,000	75,000
59	36		60,000	66,000	70,500	75,500
60	37		60,000	66,500	71,000	76,000
61	38		60,000	67,500	72,000	77,000

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62	39	60,000	68,000	72,500	77,500
63	40	60,000	68,500	73,000	78,000
64	41	60,000	69,500	73,500	78,500
65	42	60,000	70,000	74,000	79,000
66	43	60,000	70,500	75,000	80,000
67	44	60,000	71,500	75,500	80,000
68	45	60,000	72,000	76,000	80,000
69	46	60,000	72,500	76,500	80,000
70	47	60,000	73,500	77,500	80,000
71	48	60,000	74,000	78,000	80,000
72	49	60,000	74,500	78,500	80,000
73	50	60,000	75,500	79,000	80,000
74	51	60,000	76,000	80,000	80,000
75	52	60,000	76,500	80,000	80,000
76	53	60,000	77,500	80,000	80,000
77	54	60,000	78,000	80,000	80,000
78	55	60,000	78,500	80,000	80,000
79	56	60,000	79,500	80,000	80,000
80	57	60,000	80,000	80,000	80,000

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82 Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load  
 83 of thirty-four thousand pounds each if the overall distance between the first and last axles of  
 84 such consecutive sets of tandem axles is thirty-six feet or more.

85 4. Whenever the state highways and transportation commission finds that any state  
 86 highway bridge in the state is in such a condition that use of such bridge by vehicles of the  
 87 weights specified in subsection 3 of this section will endanger the bridge, or the users of the  
 88 bridge, the commission may establish maximum weight limits and speed limits for vehicles  
 89 using such bridge. The governing body of any city or county may grant authority by act or  
 90 ordinance to the state highways and transportation commission to enact the limitations  
 91 established in this section on those roadways within the purview of such city or county. Notice  
 92 of the weight limits and speed limits established by the commission shall be given by posting  
 93 signs at a conspicuous place at each end of any such bridge.

94           5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle  
95 loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23  
96 of the United States Code.

97           6. Notwithstanding the weight limitations contained in this section, any vehicle or  
98 combination of vehicles operating on highways other than the interstate highway system may  
99 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two  
100 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds.

101           7. Notwithstanding any provision of this section to the contrary, the department of  
102 transportation shall issue a single-use special permit, or upon request of the owner of the truck  
103 or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or  
104 well-drillers' equipment. The department of transportation shall set fees for the issuance of  
105 permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, RSMo,  
106 concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and  
107 highways at any time on any day.

108           **8. Notwithstanding the provision of this section to the contrary, the maximum gross**  
109 **vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with**  
110 **an idle reduction technology may be increased by a quantity necessary to compensate for**  
111 **the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127,**  
112 **as amended. In no case shall the additional weight increase allowed by this subsection be**  
113 **greater than four hundred pounds. Upon request by an appropriate law enforcement**  
114 **officer, the vehicle operator shall provide proof that the idle reduction technology is fully**  
115 **functional at all times and that the gross weight increase is not used for any purpose other**  
116 **than for the use of idle reduction technology.**

304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the  
2 corporate limits of cities containing seventy-five thousand inhabitants or more or within two  
3 miles of the corporate limits of the city or within the commercial zone of the city shall exceed  
4 fifteen feet in height.

5           2. No motor vehicle operating exclusively within any said area shall have a greater  
6 weight than twenty-two thousand four hundred pounds on one axle.

7           3. The "commercial zone" of the city is defined to mean that area within the city together  
8 with the territory extending one mile beyond the corporate limits of the city and one mile  
9 additional for each fifty thousand population or portion thereof provided, however, the  
10 commercial zone surrounding a city not within a county shall extend twenty-five miles beyond  
11 the corporate limits of any such city not located within a county and shall also extend throughout  
12 any county with a charter form of government which adjoins that city and throughout any county  
13 with a charter form of government and with more than two hundred fifty thousand but fewer than  
14 three hundred fifty thousand inhabitants that is adjacent to such county adjoining such city;

15 further, provided, however, the commercial zone of a city with a population of at least four  
16 hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall  
17 extend twelve miles beyond the corporate limits of any such city; except that this zone shall  
18 extend from the southern border of such city's limits, beginning with the western-most freeway,  
19 following said freeway south to the first intersection with a multilane undivided highway, where  
20 the zone shall extend south along said freeway to include a city of the fourth classification with  
21 more than eight thousand nine hundred but less than nine thousand inhabitants, and shall extend  
22 north from the intersection of said freeway and multilane undivided highway along the multilane  
23 undivided highway to the city limits of a city with a population of at least four hundred thousand  
24 inhabitants but not more than four hundred fifty thousand inhabitants, and shall extend east from  
25 the city limits of a special charter city with more than two hundred seventy-five but fewer than  
26 three hundred seventy-five inhabitants along state route 210 and northwest from the intersection  
27 of state route 210 and state route 10 to include the boundaries of any city of the third  
28 classification with more than ten thousand eight hundred but fewer than ten thousand nine  
29 hundred inhabitants and located in more than one county; further provided, however, the  
30 commercial zone of a city of the third classification with more than nine thousand six hundred  
31 fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city  
32 limits along U.S. Highway 61 to the intersection of state route OO in a county of the third  
33 classification without a township form of government and with more than seventeen thousand  
34 eight hundred but fewer than seventeen thousand nine hundred inhabitants. In no case shall the  
35 commercial zone of a city be reduced due to a loss of population. The provisions of this section  
36 shall not apply to motor vehicles operating on the interstate highways in the area beyond two  
37 miles of a corporate limit of the city unless the United States Department of Transportation  
38 increases the allowable weight limits on the interstate highway system within commercial zones.  
39 In such case, the mileage limits established in this section shall be automatically increased only  
40 in the commercial zones to conform with those authorized by the United States Department of  
41 Transportation.

42 4. Nothing in this section shall prevent a city, county, or municipality, by ordinance,  
43 from designating the routes over which such vehicles may be operated.

44 5. No motor vehicle engaged in interstate commerce, whether unladen or with load, **and**  
45 **whether originating in this state or another state**, whose operations in the state of Missouri  
46 are limited exclusively to the commercial zone of a first class home rule municipality located  
47 in a county with a population between eighty thousand and ninety-five thousand inhabitants  
48 which has a portion of its corporate limits contiguous with a portion of the boundary between  
49 the states of Missouri and Kansas, shall have a greater weight than twenty-two thousand four  
50 hundred pounds on one axle, nor shall exceed fifteen feet in height.

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